

Court of Appeals, Division One
Criminal

1 CA-CR 15-0474

STATE v. POAG

Appellate Case Information

Case Filed: 24-Jul-2015
Case Closed:

Dept/Composition

Department E

Hon. Kent E Cattani
Hon. Lawrence F Winthrop
Hon. Christopher T Whitten

Side 1. STATE OF ARIZONA, Appellee

(Litigant Group) STATE OF ARIZONA

- State of Arizona

Attorneys for: Appellee

Joseph T Maziarz, Esq. (AZ Bar No. 9212)

Side 2. ANDRE OMAR POAG, Appellant

(Litigant Group) ANDRE OMAR POAG

- Andre Omar Poag

Attorneys for: Appellant

Mikel Steinfeld, Esq. (AZ Bar No. 24996)

CASE STATUS

Nov 22, 2016....Decision Rendered

| PREDECESSOR CASE(S) | Cause/Charge/Class | Judgment/Sentence | Judge, Role <Comments> | Trial | Dispo |
|-----------------------|---|-------------------|------------------------------|-------|-------|
| MAR CR2014-149701-001 | Possession or Use of Dangerous Drugs, Class 4 | 6 Years | Michael D Gordon, Sentencing | JURY | |

DESCENDENT CASE(S)

ASC CR-16-0513-PR

OPEN DUE DATE

Petition for Review to ASC due

Due By: Tuesday, December 27, 2016

Re: MEMORANDUM DECISION (Affirmed) Hon Christopher T Whitten - Author; Hon Kent E Cattani - Concur;
Hon Lawrence F Winthrop - Concur

CASE DECISION

22-Nov-2016 **MEMORANDUM DECISION**

Christopher Whitten.....Author
Kent Cattani.....Concur
Lawrence Winthrop.....Concur

Filed: 22-Nov-2016

Mandate:

Decision Disposition

Affirmed

44 PROCEEDING ENTRIES

- 24-Jul-2015 FILED: Notice of Appeal from Maricopa County Superior Court filed 07/16/15. Notification to Court Reporter dated 7/23/15. Includes Designation of Record.
- 27-Aug-2015 FILED: Reporter's Transcript 05/26/15 Trial-Day 2 (Yvonne M. De La Torre)
- 27-Aug-2015 FILED: e-Record on Appeal:
Instruments/Minute Entries: Combined
Disposition Report: None
Exhibits: None

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4. 28-Aug-2015 FILED: Additional Record on Appeal
Exhibits:
Hearing Date 02/18/2015 List # 6 in a manila envelope
Hearing Date 05/26/2015 List # 1 in a manila envelope
Hearing Date 06/26/2015 List # 1 2 3 4 6 7 8 in a manila envelope
Sealed Items:
Confidential Criminal History Addendum in Sealed Manila Envelope
5. 31-Aug-2015 FILED: Reporter's Transcript - 05/21/15 - (Yvonne M. De La Torre)
6. 31-Aug-2015 FILED: Reporter's Transcript - 05/26/15 - Trial and Verdict (Cindy Lineburg)
7. 10-Sep-2015 FILED: Motion for Extension of Time to File Transcripts (Janell Rose)
8. 10-Sep-2015 ORDERED: Motion for Extension of Time to File Transcripts (Janell Rose) = GRANTED. Transcript dated 03/09/15 due date EXTENDED from Monday, 08-31-2015 to Tuesday, 10-13-2015 or OSC 10/21/15. Hon Samuel A Thumma - Author
9. 17-Sep-2015 FILED: Minute Entry dated 08/19/2015 : Correcting Court Reporter for transcript dated 06/26/2015
10. 28-Sep-2015 FILED: Reporter's Transcript-06/26/2015-Hearing Sentencing (Diane Donoho)
11. 29-Sep-2015 FILED: reporter's transcript - 02/18/2015 - motion to suppress (gail ferguson)
12. 29-Sep-2015 FILED: reporter's transcript - 04/15/2015 - final trial management conference (gail ferguson)
13. 1-Oct-2015 ORDERED: Ken Crenshaw to file transcripts dated 10/28/2014, 03/03/2015, 03/20/2015 due by 11/02/2015 or OSC on 11/04/2015 Hon Samuel A Thumma - Author
14. 12-Oct-2015 FILED: Reporter's Transcript of Proceedings: Trial 03/09/2015 (Janell Rose)
15. 29-Oct-2015 ORDERED: Court Reporter Karen Dawson to appear for OSC on 11/18/15 for transcript dated 02/11/15. Hon Samuel A Thumma - Author
16. 3-Nov-2015 FILED: Reporter's Transcript - 10/28/2014 - (Dianna Aldom)
17. 3-Nov-2015 FILED: Reporter's Transcript - 03/03/2015 - (Dianna Aldom)
18. 3-Nov-2015 FILED: Reporter's Transcript - 03/30/2015 - (Dianna Aldom)
19. 17-Nov-2015 FILED: Reporters Transcript - 02/11/15 - (Karen Dawson)
20. 20-Nov-2015 FILED: Notice of Completion of Record
21. 1-Dec-2015 FILED: Notice of Appearance; Certificate of Service (Appellant)
22. 8-Dec-2015 FILED: Motion to Compel Production of Reporter Transcript and Request to Extend Time to File the Opening Brief until the Transcript is Provided; Certificate of Service (Appellant)
23. 14-Dec-2015 ORDERED: Motion to Compel Production of Reporter Transcript (Appellant) = GRANTED/Directing court reporter Karen Dawson to provide a copy of the transcript of proceedings held on 02/11/15 to appellant's counsel. FURTHER ORDERED: Extend Time to File the Opening Brief Until the Transcript is Provided (Appellant)= GRANTED. Due date EXTENDED from Monday, 01-04-2016 to Monday, 01-11-2016. Anthony Mackey ProTem Judge - Author
24. 18-Dec-2015 FILED: Motion to Supplement Record and Request to Extend Time to File the Opening Brief until the Record is Supplemented; Certificate of Service (Appellant)
25. 28-Dec-2015 ORDERED: Motion to Supplement Record= GRANTED/Transcripts due 01/29/16. FURTHER ORDERED: Request to Extend Time to File the Opening Brief Until the Record is Supplemented (Appellant) = GRANTED. Due date EXTENDED from Monday, 01-11-2016 to Monday, 02-29-2016 Anthony Mackey ProTem Judge - Author
26. 28-Dec-2015 AMENDED ORDER: Motion to Supplement Record= GRANTED/Transcripts due 01/29/16. FURTHER ORDERED: Request to Extend Time to File the Opening Brief Until the Record is Supplemented (Appellant) = GRANTED. Due date EXTENDED from Monday, 01-11-2016 to Monday, 02-29-2016 Anthony Mackey ProTem Judge - Author
27. 8-Jan-2016 FILED: Reporters Transcript - 04/22/2015 - (Karina Savelio)

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| 28. | 8-Jan-2016 | FILED: Reporters Transcript - 05/14/2015 - (Karina Savelio) |
| 29. | 5-Feb-2016 | ORDERED: Court Reporter Gail Ferguson transcript dated 04/27/15 due 02/29/16 or OSC 03/02/16. FURTHER ORDERED: Opening Brief due date EXTENDED from Monday, 02-29-2016 to Wednesday, 03-30-2016. Anthony Mackey ProTem Judge - Author |
| 30. | 1-Mar-2016 | FILED: Reporters Transcript - 04/27/2015 - (Gail Ferguson) |
| 31. | 31-Mar-2016 | ORDERED: Opening Brief due date EXTENDED from Wednesday, 03-30-2016 to Friday, 04-29-2016. Fred Cole ProTem Judge - Author |
| 32. | 29-Apr-2016 | FILED: Appellant's Opening Brief; Certificate of Compliance; Certificate of Service (Appellant) |
| 33. | 6-May-2016 | FILED: Notice of Appearance; Certificate of Service (Appellee) |
| 34. | 14-Jun-2016 | ORDERED: Answering Brief due date EXTENDED from Monday, 06-13-2016 to Wednesday, 07-13-2016. Fred Cole ProTem Judge - Author |
| 35. | 13-Jul-2016 | FILED: Motion for Extension of Time to File Answering Brief; Certificate of Service (Appellee) |
| 36. | 14-Jul-2016 | ORDERED: Motion for Extension of Time to File Answering Brief (Appellee) = GRANTED/Due date EXTENDED from Wednesday, 07-13-2016 to Friday, 07-22-2016. Anthony Mackey ProTem Judge - Author |
| 37. | 22-Jul-2016 | FILED: Appellee's Answering Brief; Certificate of Compliance; Certificate of Service (Appellee) |
| 38. | 1-Aug-2016 | FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days |
| 39. | 5-Aug-2016 | FILED: Supplemented Superior Court e-Record with Revised Index of Record (includes copy of transcript filed directly with COA1 previously) |
| 40. | 16-Aug-2016 | ORDERED: Reply Brief due date EXTENDED from Tuesday, 08-16-2016 to Tuesday, 09-06-2016. Fred Cole ProTem Judge - Author |
| 41. | 29-Aug-2016 | CLNDR: CONFERENCE, Department E, 10-26-16, COURTROOM 2. |
| 42. | 6-Sep-2016 | FILED: Appellant's Reply Brief; Appellant's Certificate of Compliance with Rule 31.13(b), ARCP; Appellant's Certificate of Service (Appellant) |
| 43. | 22-Nov-2016 | MEMORANDUM DECISION (Affirmed) Hon Christopher T Whitten - Author; Hon Kent E Cattani - Concur; Hon Lawrence F Winthrop - Concur |
| 44. | 22-Nov-2016 | FILED: Memorandum Decision Distribution List |